

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF TEXAS

AUSTIN DIVISION

BY



DEPUTY

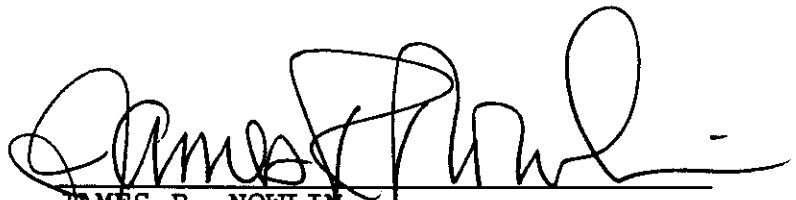
ORDER

The undersigned has made inquiries into whether it is proper, under the "additional duties" clause of the Magistrate's Act (28 U.S.C. § 636(b)(3)) and the Constitution of the United States, for the Court to delegate to a Magistrate Judge the task of administering the allocution required by Fed. R. Crim. P. 11 in felony cases. Having considered the relevant law, including the recent decision in United States v. Williams, 23 F.3d 629 (2nd Cir. 1994), the Court has determined that the Magistrate's Act authorizes a District Court Judge to delegate to a Magistrate Judge the task of administering Rule 11 guilty plea allocution in felony prosecutions, provided that the Defendant consents to such a referral, and the District Court maintains supervision and control of the proceedings. The Court further finds that such a delegation does not contravene Article III of the Constitution.

ACCORDINGLY, IT IS ORDERED that United Magistrate Judges in the Austin Division are authorized to take guilty pleas and administer the allocution required by Fed. R. Crim. P. 11 in felony criminal cases on the docket of Judge James R. Nowlin, provided the Court makes a referral and that the Defendant consents to such a procedure.

FURTHER, IT IS ORDERED that such proceedings remain subject to the control and final approval of the District Court, and that imposition of sentence remain with the District Court.

SIGNED AND ENTERED this 1st day of August, 1994.



JAMES R. NOWLIN
UNITED STATES DISTRICT JUDGE